

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1378 of 2015

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Zinat Ara, D/o late Nazeer Ahmad, At R/o Village- Bhatoriya, P.O.- Majhuva Kala,
P.S.- Amour, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar, Through Principal Secretary Education Department Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
3. The Chairman, Bihar State Madarsa Education Board, Patna.
4. The Secretary , Bihar State Madarsa Education Board, Patna.
5. The Chairman, Madarsa Ashatool Uloom Amour, R/o AT+P.O.+P.S. Amour Baisi, District- Purnea.
6. The Secretary, Madarsa Ashatool Uloom Amour, R/o At +P.O.+P.S.-Amour Baisi, District- Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-08-2018

Heard learned counsel for the petitioner; State and Bihar
State Madrasa Education Board (hereinafter referred to as the
'Board').

2. The petitioner had moved the Court for the following
reliefs:

*“For issuance of a writ in the nature of
mandamus directing the respondents authorities
to consider the case of petitioner for her
employment on compassionate ground as the*



father of petitioner has died in harness on 23.05.2012 and the mother of the petitioner has been living with her.

And or any other relief(s) as per the facts and circumstances of the case for which petitioner is entitled.”

3. At the very outset, learned counsel for the Board drew the attention of the Court to order dated 05.04.2011 passed in C.W.J.C. No. 8017 of 2007 in the case of **Md. Minhaj Alam Vs. The State of Bihar & Ors.** in which it has been held that appointment of compassionate ground in a private Madrasa, the power is vested in a private body, i.e., the Managing Committee of Madrasa and writ application for the same is not maintainable.

4. In view thereof, if any order has been passed by the Chairman of the Board in favour of the petitioner, the same cannot be either upheld by the Court or directed to be enforced by the Managing Committee of the Madrasa in question, which is a private body.

5. For the reasons aforesaid, the writ petition stands disposed off with liberty to the petitioner to approach the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J)

Anjani/-

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